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Plan to Provide Cover for CIA Operatives Stirs Concern

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A little-noticed section of a controversial new CIA secrecy bill could lead to a whole new gamut of artificial government titles and phony positions for U.S. intelligence officials working overseas.

Some critics believe the bill could even result in use of the Peace Corps for intelligence purposes, but CIA officials insist that this would never happen.

The disagreement involves some relatively obscure provisions of a pending CIA bill devised primarily to make it a criminal offense to disclose any information that serves to identify U.S. intelligence operatives abroad.

Under language tacked on by the House Intelligence Committee, the president would be required to establish secret procedures ensuring that intelligence officers and employees from CIA station chiefs on down—be given effective cover. Those procedures, the bill adds, "shall provide that any department or agency designated by the president" must render whatever assistance is necessary.

At present, the Peace Corps, the Agency for International Development and the International Communication Agency are all off limits to the intelligence community. The tradition of keeping spies out of its ranks is

strongest in the Peace Corps, which has had rules, since its inception in 1961 prohibiting the employment of anyone from the CIA.

The Foreign Service also has resisted the designation of anyone from the CIA as a full-fledged Foreign Service officer (FSO). Intelligence officers usually are confined to an FSR (Foreign Service Reserve) designation, along with others on temporary assignment.

The U.S. government and the Congress have "excluded CIA from a whole lot of official covers," former CIA director William E. Colby protested in House testimony early this year. "[At] the State Department, we cannot use certain nominations, and therefore that is a further exclusion.

We have got to open up the possibilities, at least within the government."

When Colby was at the agency, he added in a telephone interview, "we were standing on a shrinking ice floe—as far as cover was concerned." From the intelligence community's point of view, the restrictions also

"It suggests there's something dirty about intelligence, when Congress has voted it," Colby says. "Intelligence is an important part of our national structure, by congressional fiat."

From the point of view of other government agencies, however, their integrity is at stake. As the Peace Corps has put it, its rules are meant "to avoid providing any credence to charges that the Peace Corps is a front for intelligence activities of the United States government." But when the Peace Corps proposed consolidating the regulations 2½ years ago with formal publication in the Federal Register, the CIA took umbrage. The new rules were never promulgated.

CIA officials contend that the secrecy bill's call for "better cover" is "purely hortatory," that it doesn't give the president any more authority than he has now. A CIA lawyer insisted that the Peace Corps would never be opened up to intelligence agency operatives.

However, Morton Halperin, director of the privately funded Center for National Security Studies, which is fighting the bill, maintains that its enactment would represent "a very clear signal from Congress to the president, telling him that he should be directing more agencies to provide cover to the CIA."

"I would certainly be worried if I were in the Peace Corps," Halperin said. Because the bill states that the new procedures to be established by the president would be exempt from "publication or disclosure," Halperin

also pointed out that it could result in the undercutting of restrictions that most people would assume were still in effect.

"Our main worry is one of image rather than of substance," added one Peace Corps official. If the bill were enacted, he said, "we could have a problem with people pointing at the Peace Corps and saying it could be used" by the CIA, even if it weren't.

The bill itself has a strong head of steam, in view of the July 4 machine-gunning of the home of the CIA station chief in Jamaica shortly after his name and other personal data were disclosed at an anti-CIA news conference in Kingston. The measure would outlaw the disclosure of any information, even from public documents, that serves to identify CIA officials or any other U.S. intelligence agents who have been working abroad.

Proponents hope to bring it to the House floor for a vote Thursday. A similar version is pending before the Senate Judiciary Committee, where critics who contend it is unconstitutional are concentrating their efforts. In a letter to committee members last week, 51 law professors from across the country charged that the provisions criminalizing the disclosure of unclassified information were a clear violation of the First Amendment.

"The First Amendment does not permit using a shotgun because you may hit something that is punishable," one of the signers, Prof. Laurence E. Tribe of Harvard University's law school, said at a news conference here yesterday. He predicted that the Supreme Court would strike the measure down if Congress should enact it.

In addition, the Center for National Security Studies maintains in a recent study that some of the nation's most prominent journalists—and at least one member of the Senate Intelligence Committee—have written or broadcast articles that could have resulted in their prosecution if the bill had been in effect at the time of publication.

Among the reports that could have resulted in criminal sanctions, Halperin said, were a 1977 Washington Post story by Bob Woodward about secret CIA payments to Jordan's King Hussein over a 20-year period and a 1977 CBS broadcast by correspondent Bill Moyers, who named several CIA officials and Cuban allies in the CIA's campaign against Cuban Premier Fidel Castro.

Also in potential jeopardy, the center concluded, would have been Sen. Daniel Patrick Moynihan (D-N.Y.). As former ambassador to India, Moynihan disclosed in a 1975 book that the CIA had contributed money to one of India's political parties and that on one occasion, the payment was made directly to Indira Gandhi. Whether such disclosures would be liable for criminal penalties would, Halperin noted, depend on the conduct and intent of the authors, but he said, "there is no doubt that revelations of this kind would be chilled."